

FILED IN UNITED STATES DISTRICT
COURT, DISTRICT OF UTAH

JUL 01 2014

D. MARK JONES, CLERK

COURT

DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, NORTHERN DIVISION

JOHN PALMER and JENNIFER KULAS,

Plaintiffs,

v.

KLEARGEAR.com,

Defendant.

~~PROPOSED~~

**ORDER AWARDING
DAMAGES UPON
DEFAULT JUDGMENT**

Case No. 1:13-cv-00175

Judge Dee Benson

Whereas a default judgment was entered in this case (Doc. 13) adjudicating Defendant KlearGear.com liable to Plaintiffs for violating the federal Fair Credit Reporting Act, for defamation, for intentional interference with prospective contractual relations, and for intentional infliction of emotional distress,

Whereas the default judgment adjudged Defendant liable for damages, along with costs and attorneys' fees,

Whereas, in accordance with the default judgment, the Court held a hearing on June 25, 2014 to determine damages,

Whereas Plaintiffs presented evidence at the hearing showing their actual damages as a result of Defendant's unlawful conduct, including economic losses and emotional distress and suffering, and Plaintiffs presented evidence showing that Defendant's unlawful conduct was willful and that punitive damages were warranted under federal and state law,

It is hereby ORDERED, ADJUDGED, and DECREED that:

(1) KlearGear.com is liable to Plaintiffs in the amount of \$306,750, consisting of \$102,250 in compensatory damages and \$204,500 in punitive damages;

(2) In accordance with the default judgment order (Doc. 13), "the costs of the action together with reasonable attorney's fees as determined by the court," 15 U.S.C. § 1681n(a)(3), shall be awarded to Plaintiffs upon Plaintiffs' motion to be filed within 30 days of this order.

Dated this 27th day of June, 2014.

Dee Benson
Hon. Dee Benson
United States District Judge